

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

**RONALD CHARLES VROOMAN and
HENRY LYLE MAYHEW,**

Plaintiffs,

v.

KATHERINE D. ARMSTRONG,

Defendant.

Case No. 3:16-cv-00770-YY

ORDER

Michael H. Simon, District Judge.

United States Magistrate Judge Youlee Yim You issued Findings and Recommendation in this case on June 8, 2016. ECF 14. Judge You recommended that this case be dismissed with prejudice for lack of subject-matter jurisdiction.

Under the Federal Magistrates Act (“Act”), the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C.

§ 636(b)(1). If a party files objections to a magistrate’s findings and recommendations, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

Plaintiff Ronald Charles Vrooman has filed a series of “Notices,” which the Court construes as objections to the Findings and Recommendation.¹ ECF 21-25. Vrooman’s Notices are not a model of clarity. Vrooman appears to argue that Judge You has recused herself, although he provides no evidence of this. *See* ECF 23 at 3; ECF 25 at 4. Vrooman also argues that the filing fee is unlawful and that the electronic filing system denies him due process. *Id.* at 4-5. These arguments are not well-taken. Vrooman includes a copy of the Findings and Recommendation over which he has written specific objections by hand. ECF 23 at 5-11. The Court has reviewed *de novo* those portions of Judge You’s Findings and Recommendation to which Vrooman has objected. The Court agrees with Judge You’s reasoning and ADOPTS those portions of the Findings and Recommendation.

For those portions of a magistrate’s findings and recommendations to which no party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate’s findings and recommendations if objection is made, “but not otherwise”). Although in the absence of objections no review is required, the Magistrates Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the Court review the magistrate’s recommendations for “clear error on the face of the record.”

¹ The Findings and Recommendation was returned as undeliverable to Plaintiff Henry Lyle Mayhew. ECF 26. The Court notes that every unrepresented party has a continuing responsibility to notify the Clerk’s Office whenever his or her mailing address changes. LR 83-10(a).

For those portions of Judge You's Findings and Recommendation to which no party has objected, this Court follows the recommendation of the Advisory Committee and reviews those matters for clear error on the face of the record. No such error is apparent.

The Court **ADOPTS** Judge You's Findings and Recommendation, ECF 14. This case is dismissed with prejudice for lack of subject-matter jurisdiction.

IT IS SO ORDERED.

DATED this 29th day of June, 2016.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge